

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ingo FERBER

Appln. No.: 10/751,102

Group Art Unit: 1762

Confirmation No.: 1345

Examiner: Cachet SELLMAN

Filed: January 5, 2004

For: PROCESS AND APPARATUS FOR THE APPLICATION OF GLUE TO PACKAGING
MATERIAL

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111
and
REQUEST FOR INTERVIEW

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant files this Request for Reconsideration in response to the non-final Office

Action mailed April 26, 2007.

Applicant appreciates the Examiner's comments in the "Response to Arguments", but
Applicant must respectfully traverse and request reconsideration of the following rejections
issued by Examiner Sellman:

(1) Claims 15-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious)
over Collin '080; and

(2) Claims 15-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious)
over Estelle '891 in view of Heide '818.

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Applicant notes that these are the same references used by Examiner Jolley in the final Office Action of October 11, 2006, but all of the present rejections are under 35 U.S.C. § 103(a), and none is under 102(b).

1. With respect to rejection (1), Applicant agrees with the Examiner's several statements (page 4 of the Office Action) of what "Collin et al does **not** teach", but Applicant must respectfully disagree with the Examiner's interpretation of Collin's disclosure with respect to the subject matter of claims 15-18, and especially claims 15 and 17 (17/15).

a) More specifically, the independent parent claim 15 is directed to a process for transferring the glue pattern onto the packaging material with – among other variable features – individual controlling and changing of the thickness of the glue areas. The thickness might be changed within one transfer step according to different glue areas with different thickness of the glue. For this reason, a change of the glue pressure which is valid at the nozzles is changeable within short time periods. This can be achieved because the pressure control valve 37 is positioned "directly at the glue assembly 23". This is **not** the case with the process or apparatus of **Collin**. The pressure regulator 13 is positioned within the glue line with a considerable distance to the valve 14. This is confirmed by Collin in [0031]. Thus, Collin's arrangement does **not** render **obvious**, Applicant's claimed invention. **Change of glue pressure during a gluing step requires the immediate influence of change of pressure to the glue in the area of the nozzles.**

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b) Claim 15 requires "control programs for different glue shapes" and different thickness of the glue areas is stored as a control program and referring to the special glue pattern and/or type of packaging material.

Concerning the features d), e) and f) of claim 15, there are no corresponding features taught or even suggested in Collin. The object of Collin is to transfer an exact positioned spot or patch of glue to the blank of packaging material. Collin is concerned with the determination of the exact starting point for opening the nozzles and for closing the nozzles, depending on the velocity of the blank movement. The control unit 17 is connected with the pressure regulator 13, however only for the purpose of establishing a constant pressure which depends on the type of glue, on the temperature of glue, etc. There is **no** teaching or even suggestion of producing glue areas with different thickness within a gluing step. This process of Collin is explained in [0038] and additionally in the "Abstract". Collin does not even contemplate a process for glue pattern with different shapes of the glue spots and/or with different thickness of the glue. Additionally, Collin also does not teach or even contemplate Applicant's claimed "stored...control programs" with reference to different packaging materials and/or different glue patterns/shapes.

2. Dependent **claim 17** adds important features to the process of claim 15. The "pressure control valve (37)...[being] regulated by compressed air" is important for assuring the immediate change of glue pressure during a gluing step. The "pressure control valve...regulated by compressed air" is a novel and unobvious solution for achieving quick changes of the glue pressure caused by the "machine control unit".

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3. As for rejection (2), the teaching of Estelle is as follows: The glue pressure at the nozzle 24 is produced by a glue pump 52 which is driven by a motor 58 which is controlled by the conveying speed of the substrate 28 by the conveyor 30. The speed of the conveyor produces a control signal for the motor 58 in order to transfer the same amount of glue to the substrate independently of the speed of the conveyor. However, the glue pressure at the nozzles is produced only by the pump 52. There is **no** mention of a pressure control valve. Regulating the glue pressure **only** by the glue pump is **not** feasible to achieve a precise glue transfer to the substrate.

Accordingly, the process of Estelle would not render obvious, or produce the claimed process if combined with Heide. Rather, the combined teachings of Estelle and Heide would result in a process according to which amounts of glue are transferred to packaging material, the glue transfer being controlled by glue pressure depending on the conveying speed of the (packaging) blank. However, the glue pressure is regulated **only** by the glue pump or by the motor driving the glue pump. There is no suggestion of the process defined in the independent claims 15 and 26, or in the dependent claims, especially dependent claim 17 (17/15).

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw rejections (1) and (2), and to find the application to be in condition for allowance with all of claims 15-22 and 24-26; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

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Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of one month. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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